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C O N F I D E N T I A L BUCHAREST 000834

SIPDIS

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TAGS: [PGOV](#) [KDEM](#) [RO](#)

SUBJECT: CONSTITUTIONAL COURT CONFIRMS BASESCU VICTORY;
OPPONENTS CONCEDE GRUDGINGLY

REF: BUCHAREST 832 AND PREVIOUS

Classified By: DCM JERI GUTHRIE-CORN FOR REASONS 1.4 (B) AND (D)

11. (C) SUMMARY. On December 14 the Romanian Constitutional Court (CCR) closed out the presidential election drama by rejecting appeals from the Social Democratic Party (PSD) and validating the re-election of incumbent President Traian Basescu. PSD challenger Mircea Geoana accepted the CCR's decision publicly but said he will continue efforts to investigate the alleged electoral fraud. While Basescu is now assured a second term and will be inaugurated o/a December 21, he faces a divided public, a difficult economic situation, and rivals bent on making his next five years difficult. END SUMMARY.

A BATTLE LOST, BUT BASESCU'S ENEMIES VOW TO CONTINUE THE FIGHT

12. (C) On the evening of December 14, the Romanian Constitutional Court rejected unanimously PSD's request that the December 6 presidential runoff be invalidated and re-run.

The court rejected as "inadmissible" all of the PSD's complaints of alleged election fraud. The CCR also voted unanimously to certify Basescu's re-election, with a formal ceremony scheduled for December 16. The inauguration will take place on or about December 21, the date on which Basescu's current term expires; historically foreign dignitaries are neither invited nor expected to attend.

13. (C) Minutes after the CCR ruling was made public, PSD chairman Mircea Geoana gave a half-hearted concession speech.

He expressed regret that the CCR had not admitted the "extremely clear" evidence of election fraud that the PSD had presented, but he accepted the Court's decision and said he had called Basescu to wish him success in his new term. Geoana called for the creation of a Parliamentary committee to further investigate the alleged election fraud and said that while, "the battle for the Romanian presidency stopped there, the battle for discovering the truth about the presidential election goes on." Geoana pledged that he will be the "fiercest enemy of the regime" if Basescu continues "the evils that plagued his first term." In a later TV appearance that same evening, Geoana said the PSD will act as a "counter-weight to Basescu's temptation to take over all power in Romania."

14. (C) PNL chairman and former presidential candidate Crin Antonescu also took a combative tone, saying that the CCR decision "did not surprise" him, although he thought the court should have "reviewed several issues in the (PSD) challenge." In Antonescu's view, "terrible scenes will ensue" and "nothing good will come from the Cotroceni Palace, from Basescu's puppet Cabinet." "Traian Basescu and his acolytes will start off an assault on the Romanian democratic regime, the separation of powers, and various liberties." Antonescu sees his role and that of PNL as a democratic resistance in order to prevent the abusive regime from completely taking over.

15. (C) Even with the election over, Basescu must still nominate a new Prime Minister candidate, who must in turn guide his proposed Cabinet through Parliament, gain approval for a CY2010 budget (now projected for passage as late as

mid-February) and begin to govern. Until these steps are taken, Romania will not receive the next tranche of badly needed IMF assistance. Without the IMF support, the GOR will not be able even to maintain its current operating expenses, much less implement further essential public sector reforms.

16. (C) Comment. Basescu,s inauguration will likely take place on December 21. After a grueling campaign and a three-year war with Parliament, the challenges loom large. Basescu will preside over a divided country and will have no choice but to work with political opponents who show no sign of softening their anti-Basescu rhetoric. Basescu will have to reach across the aisle, even if his rivals refuse, in order to restore some level of trust and start the healing process and move the country forward. If the divisive atmosphere persists and politicians do not put the country's needs ahead

of partisan interests, Basescu,s fragile, hard-won victory may not bring the real governmental and societal reform that Romania needs so badly.

GITENSTEIN